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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,408	12/15/2003	Edward Alan Clark	LUC-444/Clark 12-11	3955
32295 7590 02/06/2009 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602				
EXAMINER				
AL AUBAIDI, RASHA S				
ART UNIT		PAPER NUMBER		
2614				
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02/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,408

Applicant(s)

CLARK ET AL.

Examiner

RASHA S. AL AUBAIDI

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/25/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, 10-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This in response to Pre-Brief conference request filed 09/17/2008. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1, 3-8, 10-23 and 25-29 are still pending in this application.

Drawings

2. The drawings are objected to because the elements in Figs. 1-6 need to be labeled and identified.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 recites "one or more computer-readable signal-bearing media". As disclosed in page 21 of the specification as a second example, the computer-readable signal-bearing medium comprises "a modulated carrier signal transmitted over a network ". Therefore, the claims when interpreted in light of the specification are nothing more than a signal and a signal is nonstatutory subject matter; thereby making the claims nonstatutory. See Interim guideline page 55+.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-8, 10-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelletier (US PAT # 6,608,891) in view of Glitho et al. (US PAT 6,625,141).

Regarding claim 1, Pelletier teaches a service control component (reads on SCP 18, Fig. 4) that provides to one or more telephony devices (see phones 15 and 13 on Fig. 4) of a plurality of telephony devices on a call, one or more services associated with one or more numbers associated with the one or more telephony devices on the call through employment of one or more data streams associated with the call (this basically reads on the SCP 18 providing service such as announcements and message delivery to customers/callers, see abstract); and one or more application server components which corporate with the service control component (this reads on the server located in the central office which is not shown in Fig. 4, sending additional information to the SCP 18 when needed, see col. 7, lines 19-21) through employment of one or more data streams (the use of data streams can reads on " the received message data" see col. 7, lines 23-24) between the service control component and the one or more application server components to provide the one or more services (see col. 7, lines 24-27).

Pelletier does not specifically teach the use of "a Session initiation protocol".

However, Glitho teaches a system and method for providing services in an integrated telecommunications network using a session initiation protocol (SIP) (see abstract). In Glitho SIP messages as provided herein advantageously to allow the use of SIP as a protocol for communication between SIP entities and IN-based SCPs (see col. 7, lines 15-29 and col. 9, lines 42-51).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an old and notorious protocol such the one taught by Glitho, into the Pelletier in order to enhance the systems performance of processing and providing services to users. Advantages of using an old and an existing protocol such as the "SIP" are old and well known in the art. Using

Claims 16, 23 and 27-29 are rejected for the same reasons as discussed above with respect to claims 1-2.

Claims 3-4, 17-19, 22 and 25 basically reads on identifying the customer calling number and analyzing the entered data streams and based on that providing the required services.

Claim 5 recites "the one or more services comprise one or more routing services, wherein the service control component employs the information to evaluate the one or

more routing services; wherein the service control component communicates with a switch component to route the call based on the one or more routing services". See Fig. 8 and col. 3, lines 52-67.

For claims 6-8, see Fig. 8 and col. 3, lines 52-67.

Claim 10 recites "one or more identifiers comprise one or more addresses associated with one or more of the one or more application server components; wherein the service control component and the one or more of the one or more application server components employ the one or more identifiers to establish the one or more data streams". See for example Figs. 5-7.

Claims 11-14 are rejected for the same reasons as discussed above with respect to claim 10.

The limitation of claim 15 basically reads on the use on an Internet. See for example the use of an email in col. 4, lines 46-48.

Claim 20 recites "the service control component and the one or more of the one or more switch components employ one or more Transactional Capabilities Application Part (TCAP) queries to associate the identifier with the call". The use of a TCAP messages in an AIN environment is inherent.

Claim 21 is rejected for the same reasons as discussed above with respect to claim 20.

Claim 26 is rejected for the same reasons as discussed above with respect to claims 1-2, 3-4, 17-19, 22 and 25, respectively.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614